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SUBJECT: SUPREME COURT AND JUDICIAL COUNCIL DECISIONS
AFFECT MACACO EXTRADITION

REF: BOGOTA 1266

¶1. Summary: A week after the Supreme Court approved the extradition of former AUC leader Carlos Mario Jimenez Naranjo (aka "Macaco"), the High Judicial Council issued a temporary injunction blocking it in response to a motion filed by a victims group. The motion argued that Macaco should remain in Colombia to be held accountable for his crimes under the Justice and Peace Law (JPL) process. In an unrelated case involving a demobilized paramilitary mid-level member, the Supreme Court separately ruled that all demobilized paramilitary members who committed human rights violations and are participating in the JPL could not be extradited until they complete the process. Ministry of Interior and Justice (MOIJ) officials reiterated their commitment to extraditing Macaco while addressing victims' concerns for justice. End Summary.

¶2. On April 10, the High Judicial Council issued a temporary injunction blocking the extradition of former AUC leader Carlos Mario Jimenez Naranjo (aka "Macaco"), the first high-level AUC leader and participant in the JPL process to be extradited. President Uribe and the Supreme Court authorized Macaco's extradition last week, and he has already been transferred to a maximum security prison in Boyaca. Macaco has already participated in ten sessions of voluntary confessions admitting to over 500 crimes, but the National Movement of Victims of State Crimes filed the motion, claiming that Macaco's extradition would prevent him from being held accountable for justice, truth, and reparations to victims. The Council has ten business days to review the arguments in the motion and make a decision.

¶3. Also on April 10, the Supreme Court scheduled a last minute hearing to consider an appeal by the Prosecutor General's Office and Inspector General's Office of decision by a JPL court denying the exclusion of a mid-level demobilized member who had continued to commit crimes after his demobilization. The Court went beyond the immediate issue -- that of examining the eligibility requirements of a specific individual -- to deliver a sweeping ruling that all demobilized paramilitary members who committed human rights violations and are participating in the JPL process cannot be extradited until they fulfill their obligations, including confessing their crimes and making reparations. The decision was based on the judgment that JPL obligations and judicial processes for human rights crimes take precedence over international judicial cooperation, including extradition.

¶4. MOIJ Minister Carlos Holguin warned that extraditables were playing upon victims' fears and manipulating the legal system to avoid extradition. He reiterated that the

Colombian Constitution and Penal Code give the President and Supreme Court full authority on extraditions. He underscored the GOC's continued commitment to extraditing Macaco while pursuing truth, justice, and reparations for victims. Vice Minister Guillermo Reyes said he believed the Supreme Court decision was intended for future cases, not Macaco's extradition. The GOC will take all measures to guarantee victims' rights and continue collaborating with the USG to ensure justice is served.

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